

REMARKS

This Request for Reconsideration is offered in response to the Office Action of September 12, 2005.

The Office Action objected to the drawings under Rule 83(a) as allegedly not disclosing tamper-evident structure “encasing a first portion of the zipper closure” and the opening being “defined by the tamper-evident structure”. The Office Action rejected Claims 40-43 under 35 U.S.C. 112, first paragraph, on similar grounds including a new matter rejection.

The Applicant respectfully submits that the drawings and specification indeed disclose such structure.

The Examiner is respectfully referred to Figures 4a and 5a in combination with Figure 25 and column 4, lines 22-34. Figure 4a discloses a tamper-evident structure encasing a portion of the zipper. The other zipper portions are at the zipper ends beyond the opening, which are sealed to the film by welding bars.

Figure 4a further discloses the taper-evident structure having an opening exposing the slider (opening 168 exposes the slider and is defined by the tamper-evident structure). Figure 5a discloses that the zipper is attached to the front and back panels of a bag along a top edge.

It is therefore respectfully submitted that the objection to the drawings under Rule 83(a) and the rejection of the claims under 35 U.S.C. §112, first paragraph, have been overcome.

The Office Action rejected Claims 40-43 under 35 U.S.C. 102(e) as being anticipated by the Buchman references – U.S. Patent Nos. 6,273,607; 6,290,390 and 6,347,885. All three of these references derive their priority from provisional applications filed on January 18, 2000. The present application has an earliest effective filing date of April 15, 1999 with foreign priority as early as April 20, 1998. In fact, Claims 40-43 of the present application have been copied

from Claims 1, 7, 8 and 9 of U.S. Patent No. 6,347,885 for the purpose of provoking an interference. It is respectfully submitted that the 35 U.S.C. §102(e) rejection is clearly unsupported and that any priority issues in this matter should be decided by way of interference.

It is respectfully requested that an interference be promptly declared.

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a stylized flourish underneath.

Ronald E. Brown
Registration No. 32,200

Pitney Hardin LLP
7 Times Square
New York, New York 10036-7311
212-297-5800